Judge wants Oswald case settled

By JULIA WALLACE
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FORT WORTH — Dist. Judge James Wright is pressuring attorneys to cut short legal manuevering and settle out of their court the controversy of whether to exhume the body buried in the grave of Lee Harvey Oswald, sources say.

Wright also rescinded his order to remove Dr. Charles Petty from the suit in Tarrant County, because Petty did not appear in court even though he was subpoenaed.

Wright met privately with attorneys in chambers following a hearing Monday for a temporary injunction to prevent the exhumation of the accused assassin of President John F. Kennedy, and told them the legal fight over an injunction could go on for years unless a settlement was reached, sources said.

Wright said Tuesday it would be inappropriate for him to comment on the case.

Robert Oswald, Lee Harvey Oswald's brother, is seeking an injunction to prevent Rose Hill Cemetery and British author Michael Eddowes from exhuming the body. The author theorizes Oswald was switched with a Soviet spy look-alike before the assassination.

Kenneth Campbell, attorney for Robert Oswald, said Wright was concerned that even if an injunction were issued against the cemetery and Eddowes, another group could dig up the body and not be in violation of the law.

Robert Oswald also had filed suit against Petty, but Wright last week ruled that Petty had the right to be tried in his home county of Dallas. Petty, who is handling the case as a private physician, not medical examiner, failed to appear in court last week. He was served with a subpeona at his Dallas office 30 minutes before the hearing began Sept. 3.

Petty's attorney, R. Jack Ayres, said Petty was performing an autopsy and attempted to call him to see if it was necessary to appear because of the short notice. Ayres said the hearing already had begun, and he did not receive the phone message.

"The judge was pretty displeased that he

out of court

(Petty) failed to respond to the subpoena or make an effort," Campbell said.

The judge, in a highly unusual move, rescinded the order to drop Petty from the case in Tarrant County and instructed Robert Oswald's attorneys to write up a motion placing Petty once again under a temporary restraining order.

Ayres said he was not notified by the court that the order was rescinded and said there is "no evidence that Dr. Petty's conduct was improper."

Wright's move to cancel his previous order adds a new legal tangle to a case that seems to grow more drawn out every day. Attorneys are now preparing briefs so Wright can determine if he will issue a temporary injunction. Either way, that decision can be appealed and then a full hearing would be scheduled.

Robert Oswald contends he would suffer mental anguish if the body is exhumed and that because he paid for the burial plot and funeral, he should have a say in the exhumation.

Lee Harvey Oswald's widow, Marina Oswald Porter, however, said in court Friday she wants the body exhumed. She said she now believes there may be no body in the grave.

Eddowes has agreed to finance the exhumation because he believes dental records and other autospy findings now may show the body is not that of Lee Harvey Oswald.